



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,279	11/28/2000	Michael D. Hillman	077056-0318	7552

7590 04/24/2002

Scott D. Anderson
FOLEY & LARDNER
Firststar Center
777 East Wisconsin Avenue
Milwaukee, WI 53202-5367

EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,279

Applicant(s)

HILLMAN ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 19-37, 46-48 and 54-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-18, 38-41 and 49-53 is/are rejected.
- 7) ☒ Claim(s) 14 and 42-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3634

Applicant's election without traverse in Paper No. 9 is acknowledged.

Applicant's election without traverse is noted. The Examiner disagrees somewhat as to the claims readable on the elected specie. The claims which read thereon and which will be examined are: 1-18, 38-45 and 49-53.

Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, there is no antecedent basis for "the bias adjustment mechanism".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhar '100.

Regarding claims 1-4, see tensioning mechanisms 49 and 56, each of which rub against the respective cords, thereby providing tension. The axis through slots 49 and 56 are horizontal.

Regarding claim 49, the balancing adjustment device is represented by slots 56 which give varying degrees of tension.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3634

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,12,13,15,17,18 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Griswold.

Kuhar discloses everything except the separate slots for the respective cords and the spring adjustment system. Griswold first discloses a spool having separate portions, or slots, for each cord. It would have been obvious to modify Kuhar to have such a spool so as to prevent overlapping and/or entanglement of the cords.

Regarding the spring adjustment system, Griswold discloses a well known adjustment system in the form of knobs and threaded member g and spring K. Such is used to adjust the force exerted by the spring. It would have been obvious to modify Kuhar to have such an adjustment system so as to adjust the blind operation to accommodate different sized blinds. While the knob is not threaded onto the axle g, such is an obvious attachment expedient.

Claims 6,7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso.

Providing a tensioning device in the form of a pulley or wheel with the cord like element wrapped therearound is well known as illustrated by Carouso at 25. It would have been obvious to modify Kuhar whereby his tensioning mechanisms, discussed above, are replaced with the Carouso mechanisms, which are superior. The surface of pulley 25 is "compliant" in the broad definition of the term.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso as applied above, and further in view of Conklin, Jr.

Art Unit: 3634

Providing a pulley with a rubber surface to prevent slippage of a cable looped therearound is well known as illustrated by Conklin at 60. In view of this teaching, it would have been obvious to modify the pulley of Carouso to be of rubber.

Claims 38-41 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Judkins et al '192.

One way to provide weight to the bottom rail of a blind, which is desirable for a variety of reasons, e.g. better hanging characteristics, is to provide a weight in the form of a bar W, seen in Figs. 23 and 24. It would have been obvious in view of this teaching to provide Kuhar with such a weight to also achieve, for example, better hanging characteristics. The specific shape of the weight, whether it be rod shaped, bar shaped, etc., is clearly an obvious design choice based on available material, location in which the weight is placed, etc. The term "tape" is broad and readable on any bar shaped weight, which is clearly cuttable.

Claims 14 and 42-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

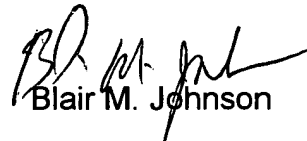
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.



Blair M. Johnson

Primary Examiner
Art Unit 3634

BMJ
April 22, 2002